

Message Text

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PAGE 01 USBERL 00780 230917Z

42

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

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ACDA-05 TRSE-00 SAJ-01 OMB-01 EB-07 IO-10 /081 W

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R 220935Z APR 75

FM USMISSION USBERLIN

TO AMEMBASSY BONN

INFO SECSTATE WASHDC 801

AMEMBASSY BERLIN UNN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

USEC BRUSSELS 577

C O N F I D E N T I A L USBERLIN 780

E.O. 11652: GDS

TAGS: PFOR, PGOV, WB, GW, EC

SUBJECT: POSSIBLE ALLIED-SOVIET CONSULTATIONS ON
BERLIN

REFS: A) STATE 80715 (NOTAL); B) PARIS 9258 (NOTAL)

1. WE SHALL MAKE CLEAR TO OUR ALLIED AND SOVIET
INTERLOCUTORS THAT WE REGARD QUADRIPARTITE CONSULTATIONS
AS UNDESIRABLE MEANS OF RESOLVING DIFFERING QA INTERPRE-
TATIONS. MISSION SHARES DEPT VIEW THAT OUR CHANCES OF
GOING ANYWHERE BUT BACKWARDS IN SUCH CONSULTATIONS ARE SLIM.
HOWEVER, WE ALSO FEEL WE MUST EXERCISE SOME CAUTION NOT TO
SUGGEST WE REGARD SUCH CONSULTATIONS AS IMMINENT. AND
THEREFORE PLAN TO WITHHOLD OUR COMMENTS TO TIMES WHEN
THE SUBJECT IS RAISED BY OTHERS.

2. WE DO NOT AGREE HOWEVER, WITH FRENCH REASONS REPORTED REF B
FOR CONCLUDING THAT CONSULTATIONS ARE INAPPROPRIATE, NAMELY THAT
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PAGE 02 USBERL 00780 230917Z

OBJECTIVE OBSERVER MIGHT CONCLUDE EXTENSION OF NPT TO BERLIN,

BRUECKMANN CASE AND ESTABLISHMENT OF FEDERAL ENVIRONMENTAL AGENCY (FEA) IN BERLIN SUPPORT SOVIET COMPLAINTS. THESE THREE MATTERS, TOUCHING AS THEY DO IN TURN UPON THOSE ELEMENTS OF FRG-BERLIN TIES REFLECTED BY REPRESENTATION OF BERLIN'S INTERESTS ABROAD, ADOPTION OF IDENTICAL LEGISLATION AND COMMON COURT SYSTEM, AND FEDERAL PRESENCE ARE OF A PIECE WITH ACTIONS UNDERTAKEN BY FRG AND BERLIN FOR MANY YEARS PRIOR TO QA. FIRST TWO AT LEAST WERE NATURAL CONSEQUENCES OF SITUATIONS WHICH WERE NOT SOUGHT BY GERMAN SIDE. GERMAN REACTION WAS CONSISTENT BOTH WITH ALLIED INTERPRETATION OF QA AND STATUS QUO SUCH AS THAT TERM MIGHT BE DEFINED BY OBSERVER WHO WAS AWARE OF CLOSE AND MULTIPLE TIES WHICH EXISTED BETWEEN FRG AND BERLIN IN 1971 AND WHOSE CONTINUED DEVELOPMENT WAS CONFIRMED BY FOUR POWERS. WE DO NOT BELIEVE ALLIES SHOULD BE OVERLY DEFENSIVE ABOUT THESE MATTERS. MOREOVER, WE ARE SOMEWHAT CONCERNED THAT FRENCH MAY BELIEVE WHAT IS NEEDED TO ENSURE SMOOTHER WORKING OF QA IS TIGHTER FORMAL ALLIED CONTROL MECHANISMS IN BERLIN. MECHANICAL CONTROLS, WHILE UNSETTLING TO GERMANS, OVERLOOK MORE IMPORTANT REQUIREMENT, WHICH IS NEED FOR FRANKER, FULLER, MORE TIMELY ALLIED-GERMAN CONSULTATIONS ON POLITICALLY SENSITIVE MATTERS AND EXCHANGE OF VIEWS ON DIRECTIONS EACH SEES BERLIN POLICY TAKING. FEA IS GOOD CASE IN POINT. THERE EXISTED MECHANISM WHICH WAS USED FOR REVIEW OF LEGISLATION TO BE TAKEN OVER IN BERLIN TO ESTABLISH OFFICE. WHAT WAS DEFICIENT AND WHAT LED TO DIFFICULTY WAS UNILATERAL INITIATION OF SIGNIFICANT BERLIN STEP BY FRG BEFORE ALLIES COULD EXAMINE LARGER POLITICAL CONSIDERATIONS.

3. POSSIBLE FRENCH PREOCCUPATION WITH LEGAL MECHANICS AS OPPOSED TO MEANINGFUL PRIOR POLITICAL CONSULTATION IS ALSO SUGGESTED IN VIEWS REPORTED ON EC, REF B, AND FRENCH PERFORMANCE IN DEVELOPING BK/O EXPRESSING ALLIED APPROVAL FOR LOCATION OF EC VOCATIONAL CENTER IN BERLIN. EC DECISIONS HAVE NEVER BEEN "AUTOMATICALLY APPLICABLE" IN BERLIN. PURSUANT TO PROCEDURES ESTABLISHED IN 1957, WHEN ALLIED AUTHORIZED EXTENSION OF TREATY OF ROME TO BERLIN, DECISIONS OF EC COUNCIL DO NOT ENTER INTO FORCE IN BERLIN UNTIL PUBLISHED

CONFIDENTIAL

PAGE 03 USBERL 00780 230917Z

IN BERLIN GAZAETTE AND MUST BE SUBMITTED TO ALLIED KOMMANDATURA PRIOR TO PUBLICATION. WE ARE NOW ENGAGED IN KOMMANDATURA REVIEW OF EC PROCEDURES WITH OBJECTIVE OF MODERNIZING THEM AS NECESSARY. WE ARE WORKING, HOWEVER, LESS TOWARD TINKERING WITH LEGAL CONTROLS THAN TOWARD REITERATION OF NEED FOR TIMELY CONSULTATION WITH ALLIES ON ALL EC ACTIONS UNDER CONSIDERATION WHICH MIGHT BE POLITICALLY SENSITIVE. IN THIS CONNECTION, OUR REQUIRE-

MENTS IN BRUSSELS ARE ALREADY VERY MUCH LIKE THOSE IN
BONN. SINCE TWO OF THREE ALLIES ARE REPRESENTED IN EC,
WE SHOULD BE IN A GOOD POSITION TO KEEP ABREAST OF WHAT
WE NEED TO KNOW TO SAFEGUARD BERLIN STATUS. IN DOING SO,
WE NEED NOT ACCEPT ASSUMPTION FROM WHICH SOVIETS APPARENT-
LY START THAT, BECAUSE EC HAS LONG-RANGE OBJECTIVE OF
POLITICAL INTEGRATION, IT IS AUTOMATICALLY A SUSPECT
ORGANIZATION IN BERLIN. GEORGE

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